**ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE IX, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR THE INSPECTION OF MOTOR VEHICLES IN THE CITY OF MEMPHIS**

**WHEREAS,** the administration of the City of Memphis desires to reduce the air pollution produced by the operation of motor vehicles within the boundaries of the city of Memphis, Tennessee for the protection of the public health, safety and welfare of its citizens; and .

**WHEREAS**, the City of Memphis seeks to implement new emissions testing to better regulate air pollution production resulting from the operation of motor vehicles within the boundaries of the city of Memphis; and

**WHEREAS,** it is necessary to modify the inspection requirements originally adopted to implement new emissions testing and specify vehicle inspection requirements.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that Chapter 21, Article IX, Code of Ordinances, City of Memphis, is hereby deleted in its entirety and amended to read as follows:

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|---|---|
| **Section 21-301** | **Definitions** |
| **Section 21-302** | **Motor Vehicle Inspection Requirements - Frequency** |
| **Section 21-303** | **Motor Vehicle Inspection Program/Fleet Inspections** |
| **Section 21-304** | **Motor Vehicle Emission Performance Test** |
| **Section 21-305** | **Motor Vehicle Emission Performance Test Criteria** |
| **Section 21-306** | **Exemptions from Motor Vehicle Inspection Requirements** |
| **Section 21-307** | **Motor Vehicle Anti-Tampering Test Criteria** |
| **Section 21-308** | **Motor Vehicle Anti-Tampering Test Methods** |
| **Section 21-309** | **Waiver Provisions** |
| **Section 21-310** | **Safety Inspection** |
| **Section 21-311** | **Motorcycle and Motor scooter Inspections** |
| **Section 21-312** | **Procedure when motor vehicle found defective** |
| **Section 21-313** | **Director of public service authorized to promulgate rules and regulations regarding inspection of vehicles** |

## Sec. 21-301 DEFINITIONS

**The following definitions shall apply to this article:**

(1) Air Pollution is any particulate matter or any gas or vapor other than water or any combination thereof including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air.

(2) Antique motor vehicle is any motor vehicle over twenty-five years old which is owned solely as a collectors' item and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event for general transportation.

(3) Carbon dioxide is a compound consisting of the chemical formula (CO2).

(4) Carbon monoxide is a compound consisting of the chemical formula (CO).

(5) Catalytic converter is a pollution control device containing a catalyst for converting automobile exhaust into mostly harmless products.

(6) Centralized Network means that motor vehicle inspections are conducted by the Local or State government at permanent locations.

(7) Certificate of Compliance is a certification issued by a Department vehicle examiner or a fleet vehicle inspector that the motor vehicle identified on the certificate complies with the emission performance, safety, and anti-tampering criteria appropriate to the vehicle as specified in this regulation.

(8) Check Engine Light see Malfunction Indicator Light (MIL).

(9) Department means the City of Memphis Motor Vehicle Inspection Bureau ("MVIB").

(10) Department Vehicle Examiner is any person employed by the City of Memphis Division of Public Services and Neighborhoods who is designated by the MVIB as qualified to perform vehicle emissions performance, safety, and anti-tampering inspections.

(11) Diagnostic Trouble Codes (DTCs) is an alphanumeric code which is set in a vehicle's onboard computer when a monitor detects a condition likely to lead to (or has already produced) a component or system failure or otherwise contribute to exceeding emissions standards by 1.5 times the certification FTP standard.

(12) Diesel powered motor vehicle is a motor vehicle powered by a compression-ignition internal combustion engine.

(13) Electric powered motor vehicle is a motor vehicle which uses a propulsive unit powered exclusively by electricity.

(14) Exhaust emissions are substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

(15) Exhaust gas analyzer is a device for sensing the amount of air pollutants, including carbon monoxide and hydrocarbons, in the exhaust emissions of a motor vehicle. For the purpose of this regulation, this shall mean analyzing devices of the non-dispersive infrared type or any other analyzing devices that provide equal or greater accuracy as approved by the United States Environmental Protection Agency.

(16) Factory-Installed Motor Vehicle Pollutant Control System is a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with the United States government motor vehicles emission control laws and regulations.

(17) Federal Test Procedure (FTP) is the test procedure used to determine the compliance of vehicles with federal emission standards.

(18) Fleet means ten (10) or more motor vehicles owned by the same person or business entity which are in-use, registered in any county that has been designated by the State of Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program in order to attain and maintain compliance with national ambient air quality standards within any area of Tennessee or an adjoining state and not owned or held primarily for the purpose of resale.

(19) Fleet Inspection Operator is a business who has been certified, in accordance with this regulation and other requirements as determined by the MVIB to perform inspections on their own fleet, as defined herein.

(20) Fleet Inspection Permit is a certificate issued by the MVIB authorizing a fleet operator to become a Fleet Inspection Operator.

(21) Fleet Vehicle Inspector is any person retained by a fleet inspection operator holding a valid fleet inspection permit, and who is certified by the MVIB as qualified to perform vehicle emissions performance, safety, and anti-tampering inspections.

(22) Fuel inlet restrictor is the leaded fuel nozzle restrictor installed on motor vehicles which was designed for the use of unleaded gasoline only.

(23) Gasoline Cap is the manufacturer cover that seals the motor vehicle gasoline tank.

(24) Gasoline powered motor vehicle is any motor vehicle powered by spark-ignition internal combustion engine.

(25) Gross Vehicle Weight (GVWR) is a term defining the gross vehicle weight as determined from the combined manufacturer vehicle and maximum load rating.

(26) Heavy-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon in excess of 10,500 pounds (4,773 kilograms).

(27) Hydrocarbon is any organic compound consisting predominantly of carbon and hydrogen.

(28) Idle speed means the unloaded engine speed of a motor vehicle when the accelerator pedal is fully released. In a motor vehicle equipped with an automatic transmission, this is with the drive selector in neutral or park. In a motor vehicle equipped with a manual transmission, this is with the gear selector in neutral and the clutch fully engaged. In all motor vehicles, the engine operated accessories shall be turned off.

(29) Internal combustion engine is any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders, or any engine with one or more combustion chambers.

(30) Light-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon of 10,500 pounds (4,773 kilograms) or less.

(31) Malfunction Indicator Light (MIL) is known as the Check Engine Light. The Malfunction Indicator Light is illuminated on the dashboard when conditions exist likely to result in emissions exceeding FTP standards by 1.5 times or worse. Alternatives include "Service Engine Soon," as well as an unlabeled icon of an engine.

(32) Manufacturers Idle-speed Specification is the engine idle speed specified for a particular motor vehicle as printed on the engine compartment emissions system data plate or in the owners' manual.

(33) Model Year means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such production ends. If the manufacturer does not designate a production period, the year with respect to such motor vehicle or engines shall mean the twelve (12) month period beginning January of the year in which production thereof begins. The model year for a motor vehicle constructed by other than the original manufacturer shall be assigned by the Tennessee Department of Motor Vehicles

(34) Motor vehicle is any self-propelled vehicle used for transporting persons or commodities on public roads.

(35) Motor Vehicle Regulatory License is the annual motor vehicle license required as a condition for legal operation of certain classes of motor vehicles.

(36) Motorcycle is any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, and having a curb weight of 2000 pounds (907 kilograms) or less.

(37) New motor vehicle is any motor vehicle that has never been previously titled or registered in this or any other jurisdiction and whose ownership document remains as a manufacturer's certificate of origin.

(38) Official Inspection Station means a facility operated by the City of Memphis MVIB to conduct motor vehicle inspections pursuant to this regulation, in a Centralized Network.

(39) Onboard Diagnostics (OBD) is a system of vehicle component and condition monitors controlled by a central, onboard computer designed to signal the motorist when conditions exist which could lead to a motor vehicle's exceeding its certification standards by 1.5 times the FTP standard. OBD refers specifically to EPA's OBDII requirements. The following vehicles are equipped with OBDII systems: 1996+ Gasoline Powered vehicles less than 8500 lbs GVWR, 1997+ Diesel Powered vehicles less than 8500 lbs GVWR, and 2007+ Gasoline and diesel powered vehicles between 8500 and 14000 lbs GVWR.

(40) OBD Data Link Connector (DLC) serves as an interface between a motor vehicle's OBD computer and the OBD scanner and is usually located under the dashboard on the driver's side. Connecting an OBD scanner to the DLC allows inspectors and motor vehicle repair technicians to read the readiness status of motor vehicle's onboard monitors as well as any diagnostic trouble codes.

(41) Pollution Control Device is the equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the motor vehicle.

(42) Readiness codes are status flags stored by a motor vehicle's onboard computer which is different from the DTC in that it does not indicate a motor vehicle fault, but rather whether or not a given monitor has been run (i.e. whether or not the component or system in question has been checked to determine if it is functioning properly).

(43) RPM is a term describing the engine crankshaft revolutions per minute. (44) Tampering means to remove, render inoperative, cause to be removed, or make less operative any emission control device, unless such removal or act to render inoperative or less operative is for the purpose of motor vehicle disposal or salvage operation.

(45) Vehicle Exhaust System means all devices, equipment and systems which transport exhaust emissions from the exhaust ports of the motor vehicle engine to the atmosphere.

(46) Opacity is the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

## Sec. 21-302 Motor Vehicle Inspection Requirements - Frequency

(1) For the protection of the public health, safety and welfare and for the promotion of safe operation of motor vehicles on the streets and highways of the City, all motor vehicles and freight vehicles required to be registered under Chapter 21, Article 8 shall be inspected by the Public Service and Neighborhoods Division of the city or other authorized vehicle inspection agency at least one (1) time per year. Owners or drivers of all such motor vehicles shall present such motor vehicles for inspection to the Motor Vehicle Inspection Bureau ("MVIB") or other authorized location. The failure of the owner or driver of any such motor vehicle to present same for inspection as herein required is declared to be a misdemeanor.

(2) All motor vehicles, including motorcycles and motor scooters, are required to have a Vehicle Identification Number Plate permanently affixed to the vehicle prior to inspection of same.

(3) All motor vehicles are required to be inspected annually for compliance with (i) emissions performance; (ii) safety, and (iii) anti-tampering, unless specifically excluded in this article

(4) Owners of motor vehicles so inspected are required to obtain a Certificate of Compliance, which shall be issued by the MVIB and/or a licensed fleet vehicle inspector, authorized pursuant to Sec. 21-303(3), only after the motor vehicle demonstrates compliance with the test criteria established herein.

(5) The Certificate of Compliance shall be valid for ninety (90) days following the date of issuance and must be presented to the County Clerks' office prior to the issuance of the Wheel Tax or the Vehicle Regulatory License.

(6) Any motor vehicle which is owned or operated by an agency of the federal government and which is operated on a federal installation located in any county that has been designated by the State of Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program is required to be inspected annually for compliance with emissions performance and anti- tampering criteria as specified in Sections 21-304, 21-305, 21-306, and 21-307. This requirement applies to all employee-owned or leased motor vehicles (including vehicles owned, leased, or operated by civilian and military personnel on federal installations. This requirement shall not apply to a motor vehicle which is on the facility for less than a total of sixty (60) days during the calendar year or tactical military vehicles.

(7) Any motor vehicle which is operated on property owned by the City, County, and State government within the City of Memphis shall be inspected annually for compliance with emissions performance and anti-tampering criteria as specified in Sections 21-304, 21-305, 21-306, and 21-307. This requirement applies to all employee-owned or leased vehicles, excluding tactical vehicles. This requirement shall not apply to a vehicle which is operated on government property for less than a total of sixty (60) calendar days per year.

## Sec. 21-303 Motor Vehicle Inspection Program/Fleet Inspections

(1) The MVIB, through its motor vehicle inspection program is responsible for testing motor vehicles for compliance with emissions, anti-tampering and safety standards.

(2) All motor vehicle inspections shall be conducted at official or mobile inspection stations operated by the MVIB, except those fleet inspections authorized pursuant to subsection 3 below.

(3) In lieu of the requirement in subsection 2 above, the City Council, by resolution, upon recommendation of the Public Services and Neighborhoods Division, when it finds it is necessary that inspections be made other than by the Public Services and Neighborhoods division, is authorized to permit the Public Services Division, to issue rules and regulations and to grant the privilege to operators of fleets of ten (10) or more motor vehicles and similar establishments to conduct inspections of its own fleet at a rate established by the MVIB in the rules and regulations. The Mayor shall be authorized to contract with such establishments that meet the standards set by the Public Services and Neighborhoods Division, consistent with those used by the MVIB.

(a) A fleet vehicle operator may make application to the MVIB for a fleet inspection permit. Minimum requirements for issuance of a permit shall be:

(i) Possession of an emissions analyzer, tools and other testing equipment approved by the MVIB, and in accordance with the applicable rules and regulations, to be adequate for conducting the required emissions inspections;

(ii) Demonstration of knowledge regarding the methods and procedures for conducting the required emissions performance, safety and anti-tampering inspections according to criteria developed by the MVIB;

(iii) Provisions of appropriate facility for motor vehicle testing and secure storage facility for storing inspection records;

(iv) Agreement to supply inspection information as requested by the MVIB and to allow access to testing facility, testing equipment, testing personnel, testing data, inventory and fleet vehicles as requested by the MVIB;

(v) Retention of a certified Automotive Service Excellence mechanic to conduct fleet vehicle inspections.

(b) A fleet inspection permit shall be valid for one year from the date of issuance and shall be renewed through application to the MVIB within thirty (30) days prior to the date of expiration.

(c) A fleet inspection permit is not transferable and may be denied, suspended or revoked by the MVIB for failure to comply with this regulation and other requirements as determined by the Department, in its sole discretion.

(d) Any person operating as a fleet inspection operator, which (i) changes its business name, ownership, official inspection personnel, or approved emissions analyzers; or (ii) ceases to operate a *fleet operation* shall notify the MVIB program manager within ten (10) days of such change. Failure to provide such notice may be cause for the MVIB to revoke the fleet inspection permit.

(e) A fleet inspection operator shall notify, and obtain written approval of, the MVIB Program Manager prior to relocating its fleet operation. A fleet inspection permit shall automatically terminate as a result of a fleet inspection operator's failure to obtain prior written approval as required herein.

(f) Any vehicle inspected by a fleet inspection operator, under the provision of this section, shall be subject to retesting at either the fleet inspection location or an official inspection station as deemed necessary by the Department in order to maintain compliance with the intent of this regulation.

## Sec. 21-304 Emission control devices and emissions generally.

Pursuant to § 21-351, every gasoline-powered motor vehicle shall be subject to inspection for emission of pollutants.

## Sec. 21-305 Motor Vehicle Emission Performance Test Criteria

(1) Motor vehicles shall not be allowed to undergo idle emission performance testing if, when the motor vehicle is presented for testing, smoke is present from the exhaust system, or the motor vehicle is overheating or losing fluids. Such presence is a health nuisance and would interfere with the operation of the testing equipment.

(2) Motor vehicles shall not be allowed to undergo idle emission performance testing if, when the motor vehicle is presented for testing, the vehicle identification number (VIN) plate is missing or illegible.

(3) To successfully pass the emission performance testing, the idle speed of the vehicle shall not exceed manufacturer specifications.

(4) For vehicles subject to idle emission tests, if the vehicle exhaust system leaks in such a way as to dilute the exhaust emissions being sampled by the exhaust gas analyzer, the sum of carbon monoxide and carbon dioxide concentrations recorded for idle speed reading from an exhaust outlet must not be less than six percent (6%).

(5) All 1996 and newer gasoline-powered motor vehicles and all 2002 and newer diesel-powered motor vehicles that are equipped with OBDII systems shall be subject to an OBD inspection for emissions testing. An OBD check shall consist of two parts: a visual check of the MIL and an electronic examination of the OBD computer. The motor vehicle is required to pass a MIL command on test, readiness evaluation and a bulb check test. A vehicle shall fail the OBD inspection if one or more of the following conditions exist:
   a. The vehicle's MIL is commanded-on and there are DTCs stored in the computer.
   b. The vehicle has more than the allowable number of monitors not ready:
      i. 1996-2000 models: 2 monitors
      ii. 2001+ models: 1 monitor
   c. The vehicle's MIL fails to illuminate when the ignition key is placed in the key-on engine off position.

(6) If the vehicle is incompatible with the OBD test equipment or if the DLC is readily unavailable (e.g., behind fender walls, under seats, etc.), then the vehicle is required to pass the MIL command on test readiness evaluation and a bulb check test conducted by the station supervisor.

(7) All gasoline-powered motor vehicles that are not equipped with OBDII systems shall be subject to gasoline cap and idle emissions testing.

(8) When a motor vehicle is equipped with other than the original engine or when a motor vehicle has been constructed, modified, customized or altered in such a way so that the model year cannot be clearly determined, the motor vehicle shall be classified, for purposes of the emission performance test, by the model year of the chassis.

(9) All gasoline-powered motor vehicles which have idle speed emission values that exceed the test standards specified in Table I below shall fail the emission performance test.

**TABLE I**
**MAXIMUM IDLE SPEED EMISSIONS ALLOWABLE**
**DURING IDLE SPEED EMISSIONS TEST**

| Vehicle Model Year | CO ( % ) Light Duty Vehicle Less Than or Equal to 6,000 lbs GVWR | Light Duty Vehicles Greater Than 6,000 lbs to 10,500 lbs GVWR | HC (PPM) Light Duty Vehicles Less Than or Equal to 6,000 lbs GVWR | Light Duty Vehicles Greater Than 6,000 lbs to 10,500 GVWR |
|---|---|---|---|---|
| Pre-72 | 8.2 | 8.9 | 700 | 900 |
| 1973-74 | 8.2 | 8.9 | 700 | 900 |
| 1975-77 | 5.0 | 6.5 | 500 | 750 |
| 1978-79 | 4.0 | 6.0 | 400 | 600 |
| 1980 | 3.0 | 4.5 | 300 | 400 |
| 1981-95 | 1.2 | 4.0 | 220 | 400 |
| 1996+ | NA | 4.0 | NA | 400 |

**Heavy Duty Vehicles**
**10,501 lbs to 25,999 lbs GVWR**

| Year | CO (%) | HC (PPM) |
|---|---|---|
| Pre-72 | 8.9 | 1,000 |
| 1973-74 | 8.2 | 1,000 |
| 1975-79 | 8.0 | 1,000 |
| 1980 | 6.0 | 800 |
| 1981-85 | 4.0 | 800 |
| 1996+ | 4.0 | 800 |

## Sec. 21-306 Exemptions from Motor Vehicle Emission Requirements

(1) The following classes of motor vehicles are exempt from the emission requirements established in Sections 21-304 and 21-305 of this Chapter:

(a) Antique motor vehicles with antique registration;
(b) Electric powered light-duty vehicles;
(c) Motorcycles;
(d) Motor scooters;
(e) New motor vehicles registered for first time.
(f) Tactical military vehicles;
(g) Vehicles over 26,000 GVWR

## Sec. 21-307 Motor Vehicle Anti-Tampering Test Criteria

(1) Each gasoline and diesel-powered motor vehicle subject to an emission performance test is also subject to a visual anti-tampering inspection under this rule and shall comply with the following minimum anti-tampering requirements:

(a) At a minimum, the emissions control devices subject to an inspection are the catalytic converter, and fuel cap. If emission control devices are found in a tampered condition, such devices shall be repaired or replaced prior to any retesting, re-inspection or waiver issuance as provided for in Sections 21-312 and 21-309.

(b) Nothing in this section shall be construed as to relieve a motor vehicle owner from complying with the provisions of Sections 21-304 and 21-305.

(2) Each gasoline and diesel-powered motor vehicle, subject to an OBD inspection, is also subject to an anti-tampering test and shall comply with a DLC check.

## Sec. 21-308 Motor Vehicle Anti-Tampering Test Methods

(1) The motor vehicle anti-tampering test shall be verified by the Department vehicle examiner and consists of the following elements:

(a) The vehicle examiner shall visually check the vehicle to see that the appropriate fuel cap is securely in place and limits the escape of fumes into the environment.

(b) If the appropriate fuel cap is present and the vehicle is 1995 or older model, the gas cap shall be removed and a fuel cap pressure test shall be performed to assure the cap is working properly, (F.T.P. 26-21 Pass/Fail Standard). If the fuel cap fails the pressure test, it shall result in a failure of the anti-tampering test. If the appropriate fuel cap is not in place or is damaged, it shall result in failure of the anti-tampering test.

(c) Each gasoline-powered motor vehicle with a model year of 1996 and newer, and each diesel-powered motor vehicle with a model year of 2002 and newer, shall comply with the DLC inspection. If the DLC has been tampered with or is missing, it must be repaired or replaced prior to any retesting or re-inspection.

(2) Pass/fail determination. A pass or fail determination shall be made for each of the anti-tampering test elements in this section. If a motor vehicle fails any of the anti-tampering elements, it shall result in the failure of the motor vehicle inspection test and a Certificate of Compliance shall not be issued until the repairs have been made to the vehicle, in accordance with Section 21-312.

## Sec. 21-309 Waiver Provisions

(1) The purpose of this section is to allow a person to operate a motor vehicle that fails to meet the applicable motor vehicle emission performance test criteria as specified in Sections 21-304 and 21-305, provided the department has issued a waiver to the owner of the motor vehicle.

(a) A waiver issued pursuant to this section shall relieve the registered owner of a motor vehicle from responsibility for taking any further action to reduce exhaust emissions from the motor vehicle until the motor vehicle is next due for inspection, pursuant to Section 21-302.

(b) Any registered owner of a motor vehicle may be eligible and may apply to the department for a waiver pursuant to this rule if:

(i) An application for a waiver is submitted to a representative at an inspection site designated by the department; and

(ii) The vehicle passed the tampering portion of the vehicle inspection; and

(iii) All of the exhaust emissions components appropriate to make, model, year, series, and engine size are in place and visually operating; and

(iv) The motor vehicle failed the three emissions tests, including retest after repairs; and

(v) The registered owner of the motor vehicle has spent the required amount, pursuant to parts a, b, or c of this subparagraph, in parts and/or labor as an attempt to bring the vehicle into compliance with the motor vehicle emission performance test criteria as specified in Section 21-305 and has satisfied the remaining requirements of this subparagraph:

a. For 1980 and older model year vehicles – the minimum expenditure requirement is $75.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part d of this section.

b. For 1981 through 1995 model year vehicles – the minimum expenditure requirement is $200.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4 of this section.

c. For 1996 and newer model year vehicles – the minimum expenditure requirement is $650.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4 of this section.

d. The cost of labor can be applied towards the expenditure amount only if the repairs were performed by a certified repair technician (National Institute for Automotive Service Excellence [ASE] certified in engine repair and engine performance). Repairs performed by non-technicians (e.g., owners) may only apply the cost of parts towards the expenditure.

e. Documentation of repairs must be provided to the Department. Documentation shall include dated receipts itemized with the name of each part, part number, and manufacturer.

f. Emission related repairs were performed on the motor vehicle sixty (60) days before or after the initial failed exhaust emissions inspection.

g. Proof of registration is provided to the department. (Example: Title, vehicle registration).

h. The registered owner of a motor vehicle, within the failed vehicle's warranty period, shall use all available warranty coverage to have repairs made that are directed toward correcting the cause of the motor vehicle's inspection failure prior to applying for a waiver and provide support documentation pursuant to subparagraph (a) or (b) of this paragraph:

a. Documentation indicating that any available warranty coverage has been used to have the repairs made that are directed toward correcting the cause of the motor vehicle's failure to pass the motor vehicle inspection shall be provided to the Department; or

b. A written denial of warranty coverage for the needed repairs from the manufacturer or authorized dealer shall be provided to the Department.

(vi) Prior to the issuance of a waiver, Department staff shall perform a visual (underhood) inspection of the motor vehicle. This inspection will be performed to determine that emission related repairs have been completed and verify that the minimum expenditure has been met. If during the visual inspection any motor vehicle tampering, as defined in Section 21-307, is discovered, a waiver cannot be granted.

(vii) The waiver shall be valid for one year or until the next registration expiration date, whichever is sooner.

(viii) A waiver shall be granted to the registered owner of a motor vehicle provided the requirements of this section have been fulfilled.

(ix) Upon receiving a waiver from the department, the registered owner shall be exempt from the requirements of section 21-302 within the time period prescribed in paragraph (vii) above.

(2) Upon application, the department may issue an exemption, as specified in paragraphs (a), (b), or (c) below, from the inspection requirements pursuant to this Article, provided the subject motor vehicle is registered in the name of the individual applying for the exemption and (i) is not impounded or non-operational; (ii) has never been inspected or has not failed inspection within the past ninety (90) days; or (iii) is not registered in another city or state.

(a) Out-of Town Exemption. The department may grant an exemption for a vehicle that is out-of-town during the required annual inspection period, subject to the following requirements:

i. The motor vehicle must be a minimum of three hundred (300) miles outside of the City;
ii. The applicant must complete the application required by the City and provide all documentation required by the department; and
iii. In the event a federal-approved emissions program is available in the locale

where the motor vehicle is located, the motor vehicle must successfully pass a federal emissions test.

(b) Military Exemption. The department may grant an exemption for active-duty military personnel, including his or her spouse, when the military personnel's vehicle(s) are out-of-town during the required annual inspection period, subject to the following requirements:

i. The individual must provide evidence of an active-duty military identification and Leave Earning Statement (LES), issued by the military, of the motor vehicle owner or his or her spouse;
ii. In the event the motor vehicle was registered in another state, the vehicle must successfully pass a federal emissions test; and
iii. The individual must complete the application required by the City and provide all documentation required by the department.

(c) Reciprocal Inspection. The department may grant an exemption for motor vehicles inspected at another federal-approved inspection facility in another locale, subject to the following requirements:

i. The motor vehicle must have passed a federal-approved emissions test within the past ninety (90) days, and the individual must provide evidence of a certificate of compliance from such federal-approved inspection facility;
ii. The certificate of compliance, as referenced in the preceding paragraph, shall be valid for a period of ninety (90) days from the test completion date.

## Sec. 21-310 Safety Inspection

In addition to any and all other tests required herein, all motor vehicles registered in the City of Memphis shall pass the safety inspection prior to registration. The following components shall be inspected:

1. Visible Smoke
2. Emergency/Parking Brakes
3. Turn Signals
4. Rear Lights
5. Brake Lights
6. Head Lights
7. Windshield Wipers
8. Windshield
9. Rearview Mirrors
10. Side Mirrors
11. Window Tint
12. Exhaust and Muffler

### I. Emergency/Parking Brakes

The emergency and parking brakes shall function according to the manufacturer's specifications. When emergency brakes or parking brakes are applied, the motor vehicle should not move more than twelve (12) inches in either direction when lightly accelerated.

## II. Turn Signals

The turn signals and components shall function according to the manufacturer's specifications. Both the left and right turn signals on the front and rear of the vehicle must be operational. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

## III. Rear Lights

The rear lights and components shall function according to the manufacturer's specifications. Rear lights on both sides must be fully illuminated when activated. No aftermarket lenses that reduce the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

## IV. Brake lights

The brake lights and lens shall function according to the manufacturer's specifications. Both the left and right brake lights must illuminate brightly when the brakes are applied. This must occur when headlights are in the on and off state. No aftermarket lens that reduces the candle light power should be affixed to the vehicle. Lens shall not be broken or missing.

## V. Head Lights

The head lights and components shall function according to the manufacturer's specifications. Both head lights must operate and be properly aligned. The dimmer switch must change the head lights from high to low beam. No aftermarket lens that reduces the candle light power should be affixed to the vehicle. No device or lens may impair the direction or intensity of the headlights.

## VI. Windshield Wipers

The windshield wipers and components shall function according to the manufacturer's specifications. The windshield wipers must cover the sweep of the windshield and the blades shall not be frayed or missing.

## VII. Windshield

The windshield, front and rear, is designed to help support the roof of the motor vehicle. Cracks or starbursts can reduce the structural integrity of the windshield. Any crack six (6) inches or longer anywhere on the windshield, a crack three (3) inches in length inside the critical area (wiper sweep), starbursts larger than one (1) inch in diameter in the critical area, or a missing windshield shall be cause for inspection failure.

## VIII. Rearview Mirror

The rearview mirror shall be attached to the inside of the windshield. The mirror shall not be broken or missing, and shall be in good working condition.

### IX. Side Mirrors

The side mirrors shall be attached to the sides of the motor vehicle according to the manufacturer's specifications. The mirrors shall not be broken, or missing, and shall be in good working condition.

### X. Window Tint

Windows may have a visible light transmittance equal to, but not less than, that specified in the Federal Motor Vehicle Safety Standard No. 205. Windows may have a visible light transmittance of less than thirty-five percent (35%). (With the exception of the manufacturer's standard installed shade band which reduces the visible light transmittance in the uppermost portion of the windshield below seventy percent (70%). The shade band should not exceed six (6) inches from the top of the windshield or below the AS1 line on the windshield.

### XI. Exhaust and Muffler

The muffler and exhaust system shall be in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke, escape of excessive gas, steam or oil, and to prevent entrain carbon monoxide from entering the vehicle. The exhaust system shall extend pass the rear bumper or exit near the rear tires on the motor vehicle according to the manufacturer's specifications.

## Sec. 21-311 Motorcycle/Motor scooter Inspections

An annual safety inspection is required on motorcycles and motor scooters that are registered in the City of Memphis. These inspections are performed at the Motor Vehicle Inspection Stations. The following items shall be inspected:

1. Vehicle Identification Number
2. Turn Signals
3. Headlights
4. Brake lights
5. Rearview Mirrors
6. Muffler and Exhaust

### I. Motorcycle/Motor scooter Turn Signals

The turn signals and components shall function according to the manufacturer's specifications. Both the left and right turn signals on the front and rear of the motor vehicle must be operational. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

### II. Motorcycle/Motor scooter Head Lights

The head lights and components shall function according to the manufacturer's specifications. The head light or head lights must be operational and aligned properly. The dimmer switch must change the head lights from high to low beam. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. No device or lens may impair the direction or intensity of the headlights.

### III. Motorcycle/Motor scooter Brake lights

The brake lights and lens shall function according to the manufacturer's specifications. The brake lights must illuminate bright in a steady state when the brakes are applied. This must occur when headlights are in the on and off state. Oscillating or flashing brake lights are legal for emergency vehicles only. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

### IV. Motorcycle/Motor scooter Rearview Mirror

Two rearview mirrors shall be securely mounted. Mirror must not be broken, missing, tarnished, or peeling.

### V. Motorcycle/Motor scooter Exhaust and Muffler

The muffler and exhaust system shall be in good working order with a sound baffling device inside the tailpipe. Motor vehicle noise level will be checked in accordance with §21-350 (B)

## Sec. 21-312 Procedure when vehicle found defective.

A. If any motor vehicle fails to pass the windshield safety inspection provided for in this chapter, the registered owner of such motor vehicle shall be allowed fourteen (14) days from the date the motor vehicle registration expires to make repairs or corrections in order that such vehicle shall pass such inspection. The owner of such motor vehicle shall be required to resubmit the motor vehicle for inspection within fourteen (14) days to pass the required inspection.

B. If any motor vehicle fails to pass the emissions test provided for in this chapter, the registered owner of such motor vehicle shall be provided an inspection certificate stating the date the emissions test was administered and failed and shall be allowed thirty (30) days from the date the vehicle registration expires, in accordance with T.C.A. 55-4-128(a), to make repairs or corrections in order that such motor vehicle shall pass such test. The owner of such motor vehicle shall be required to resubmit the motor vehicle for inspection until such motor vehicle successfully passes the emissions test requirements.

C. If any motor vehicle fails inspection, excluding the emissions testing, the owner of such motor vehicle shall resubmit the motor vehicle for re-inspection of the failed items within thirty (30) days from the date of failure. Should the owner fail to comply with this provision, the motor vehicle shall be subject to all inspection requirements as specified in Section 21-302.

D. If, in the opinion of the police director, or his or her designated agent, the director of the division of Public Services and Neighborhoods or his or her designated agent, any motor vehicle is so defective as to make it dangerous to the public to allow such motor vehicle to be operated on the public streets and highways, the time period, as specified in paragraphs A and B above, allowed for repair may be denied and the owner or driver of such motor vehicle shall take same immediately to a place of repair and, until same passes inspection, shall not operate same except to the place where it is to be repaired and to return same to the municipal testing station.

E. Any owner or driver of any motor vehicle which has not passed inspection, operating same more than thirty (30) days after the time of its inspection, and any owner or driver of a motor vehicle which has failed to pass on re-inspection, or which has been declared dangerous and ordered immediately repaired, operating same otherwise than as hereinabove provided, shall be guilty of a misdemeanor.

**Sec. 21-313 Director of Public Services and Neighborhoods authorized to promulgate rules and regulations regarding inspection of vehicles.**

The director of Public Services and Neighborhoods is authorized to promulgate rules and regulations subject to approval of the council for the inspection of motor vehicles, setting forth the equipment of such motor vehicles to be inspected in accordance with the standards and provisions of this title and such other standards as approved in such rules and regulations.

**BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect from and after the date it shall have been approved by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller.

Myron Lowery
Council Chairman

Attest:

Patrice Thomas, Comptroller